

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: February 28, 2014
Re: Staff Report for Once Upon A Child – Special Use Permit (Outdoor Sales)

Item #3 – Once Upon a Child – Special Use Permit (Outdoor Sales)
(PID# 201401280002)

Application: Special Use Permit
Location: 2221 Stringtown Road
Applicant: Andrew School,
Zoning: C-2 (Retail Commercial)
Use: Retail Store

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is requesting a special use permit for the outdoor sale of merchandise at Once Upon a Child, located at 2221 Stringtown Road, part of the Derby Square shopping center. Only bikes and strollers are proposed to be located outside, within two feet of the storefront windows, leaving 6' of open sidewalk for pedestrian movement. Items will only be put outside during business hours, Monday through Saturday 10am to 8pm and Sunday noon to 5pm and brought inside at the end of the day. Items are proposed to be displayed during store hours on a year-round basis with no seasonal changes in display.

Materials indicate that the area will be monitored regularly by store personnel to ensure items are secured and the area appears aesthetically pleasing. Bike holders will be utilized, the brakes on strollers will be set, and locked roping will be used on both the bikes and strollers to ensure the items are secure.

No additional signage or lighting is proposed for the outdoor sales area.

Code Analysis:

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance

with the standards and requirements of this Code (see *relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard is Met: The proposed outdoor sales area does not change the intended commercial character of the district. Giant Eagle, located in the same shopping center was previously approved for outdoor sales within their front sidewalk area.

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard is Met: The proposed outdoor sales area will not affect the use of adjacent property. The area proposed for the outdoor sales extends only two feet from the storefront, allowing six feet of open sidewalk for pedestrian movement.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard is Met: The use will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood. The applicant has indicated that bike holders will be utilized and strollers will be stationary using the brakes. Furthermore, locked roping is proposed to be used on both bikes and strollers to provide additional safety. Materials indicate that the area will be monitored regularly throughout the day by store personnel to ensure that all safety measures are in place.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard is Met: The proposed outdoor sales area will not place any further demand on public services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard is Met: The proposed outdoor sales will impact the right-of-way. All items for sale will be located on the sidewalk in front of the Once Upon a Child store and will not extend into the parking area.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

Standard is Met: The site is located in the C-2 district, in which outdoor sales, storage, and display of items is permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

Standard is Met: The applicant properly submitted a completed application.

10. *Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan. No such activity shall be located closer than fifty feet to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within ten feet of any road right-of-way. Such activities shall not occupy any required parking area or driveway.*

Standard is Met: Outdoor sales are only permitted within the two feet along the storefront, as shown on the submitted site plan. The outdoor area is more than 250 feet from a residential district and approximately 200 feet from the Parkmead Drive right-of-way.

11. *Any outdoor sales, storage, or display area located closer than one hundred feet to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan.*

Standard is Met: The proposed outdoor sales area is not within 100 feet of a residential district.

12. *Illumination of outdoor sales, storage, or display areas shall be designed to prevent glare or direct light from the illumination source into residential areas.*

Standard is Met: The applicant is not proposing any additional illumination for the outdoor sales area.

13. *Outdoor display areas shall be maintained in a neat and orderly fashion*

Standard is Met: The applicant has stated that all store personnel will be trained on how and where to display the merchandise and that store personnel will monitor the outdoor merchandise on a regular basis throughout the day to ensure the area is kept neat and aesthetically pleasing.

14. *Signage for outdoor sales or displays shall comply with Chapter 1145*

Standard is Met: No additional signage is proposed for the outdoor sales area.

15. *The site plan submitted with an application for a Special Use Permit shall indicate the types of merchandise to be displayed and, if applicable, any seasonal changes of display.*

Standard is Met: No seasonal changes in display are proposed. Only bikes and strollers will be located within the outdoor sale area.

Recommendation(s):

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit as submitted.